

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 23-Cr-490 (SHS)

-v- :

ROBERT MENENDEZ, NADINE MENENDEZ, : ORDER
WAEL HANA, and FRED DAIBES,

:

Defendants.

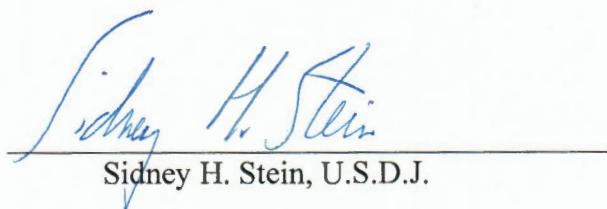
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SIDNEY H. STEIN, U.S. District Judge.

The Court is in receipt of the parties' letters dated April 1 [Doc. No. 267], April 2 [Doc. No. 272], and April 3 [Doc. No. 275]. Should the government desire to obtain notice from Senator Menendez of his reliance on an affirmative defense under 22 U.S.C. § 613, the government shall disclose to Senator Menendez the particular conduct the government contends that Senator Menendez undertook as an agent of Egypt and Egyptian officials, i.e., the conduct underlying the indictment's 18 U.S.C. § 219 allegations, by April 5, 2024. Senator Menendez is then directed to provide particularized notice to the government by April 8 as to whether, and if so, on what bases, he intends to invoke at trial any affirmative defense, including the affirmative defense set forth in FARA for "activities not serving predominantly a foreign interest." 22 U.S.C. § 613(d)(2). If Senator Menendez does intend to invoke an affirmative defense, he shall also disclose by April 8 the evidence supporting that affirmative defense.

Dated: New York, New York
April 3, 2024

SO ORDERED:



Sidney H. Stein

Sidney H. Stein, U.S.D.J.